

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW JERSEY**

ELI ASHKENAZI, individually and on behalf of
all others similarly situated,

Plaintiff,

v.

BLOOMINGDALE’S, INC.,

Defendant.

CIVIL ACTION

NO. 3:15-cv-02705-PGS-DEA

**DECLARATION OF ROSS H. SCHMIERER, ESQUIRE
IN SUPPORT OF UNOPPOSED MOTION FOR FINAL APPROVAL
OF PROPOSED CLASS ACTION SETTLEMENT AND
PETITION FOR ATTORNEYS’ FEES, COSTS, AND INCENTIVE AWARD**

I, Ross H. Schmierer, upon my oath certifies as follows:

1. I am an attorney-at-law of the State of New Jersey and a member of the law offices of DeNittis Osefchen Prince, P.C (“DOP”).

2. Prior to joining DOP, I was a founding member of Paris Ackerman & Schmierer LLP (“PAS”).

3. PAS and DOP undertook this matter entirely on a contingent fee basis and have advanced costs and expenses in the prosecution of this matter. Any fees and reimbursement of expenses will be limited to such amounts as may be awarded by the court.

4. I fully support the settlement and believe it is fair, reasonable and in the best interest of the class. In addition, the named Plaintiff fully supports the settlement.

PAS

5. While a partner at PAS, I worked on this case from its inception until May 2017 when I took a position at DOP.

6. While at PAS, I supervised Joanne Wilcomes, a senior associate at the firm that worked on this case. Joanne earned her J.D. from Washington and Lee School of Law and her undergraduate degree from Dartmouth College. Prior to joining PAS, Joanne was a senior litigation associate at McCarter English for over ten years. She also clerked in both the New Jersey Superior Court, Chancery Division, Essex County as well as the United States Court of Appeals for the Third Circuit.

7. In addition to Ms. Wilcomes, I supervised Ms. Amber Horn, a paralegal at the firm that worked on this case.

8. While I worked on this case at PAS, the firm incurred litigation costs of \$2,229.27.

Class Action Experience

9. Over the past ten (10) years, I have represented plaintiffs in more than sixty (60) class actions. These class actions include:

- *Ryoo Dental v. OCO Biomedical*, Case No.: Case No.: 2:17-cv-07425-DOC-KES, Central District of California;
- *Carole J. Cirucci v. Title America Agency Corp.*, Docket No. CAM-L-1316-14; Superior Court of New Jersey, Camden County, Hon. Anthony M. Pugliese, J.S.C.;
- *Antonio Gonzalez, Michael Paladino and James Winkler v. Ferraro Foods, Inc., Michael Giammarino, Dean Barcelona, Joseph Gonzalez, John Does 1-10*, Docket No. MID-L-001399-12; Superior Court of New Jersey, Middlesex County;
- *Aaron Manopla and Evelyn Manopla v. Home Depot USA, Inc., Atlantic Water Products Inc. and John Does 1-25*; 3:15-cv-01120-PGS-TJB; District of New Jersey;
- *Leebove, et al. v. Maybelline, LLC*, 12-cv-07146-JGK; Southern District of New York;
- *Michelle v. Arctic Zero*, 12-cv-2063-GPC-NLS; Southern District of California;

- *Clarke, et al. v. American Express Company*, 12-cv-07496-LAK; Southern District of New York;
- *In re New Jersey Tax Sales Certificates Antitrust Litigation*, 3:12-cv-01893-MAS-TJB, District of New Jersey;
- *Paige Cooperman et al. v. Galeos, LLC et al.*, SA-10-cv-1815 JVS; Central District of California, appointed plaintiffs' co-lead counsel;
- *Naumoski v. The City of Newark et al.*, ESX-L-5104-12 (Law Div. N.J.); *Nedeska v. Edison Twp. et al.*, MID-L-4759-12 (Law Div. N.J.); *DaRocha v. City of Linden et al.*, UNNL-2487-12 (Law Div. N.J.); *McNally v. Twp. of Pohatcong et al.*, L-305-12 (Law Div. N.J.); *McCarthy v. Monroe Twp. et al.*, L-1222-12 (Law Div. N.J.); *King v. Union Twp. et al.*, UNNL-2869-12 (Law Div. N.J.); *Walters v. Borough of Stratford et al.*, L-3560-12 (Law Div. N.J.); *Katsnelson v. Cherry Hill et al.*, L-3651-12 (Law Div. N.J.); *Myers v. Borough of Glassboro et al.*, L-1243-12 (Law Div. N.J.); *Rossini v. Palisades Park et al.*, L-7539-1 (Law Div. N.J.);
- *In re: Bank of America Credit Protection Marketing & Sales Practices Litigation* 3:11-md-02269-THE; Northern District of California; appointed to plaintiffs' executive committee;
- *Walker et al v. Discover Financial Services, Inc. et al.*; 1:10-cv-06994; Northern District of Illinois, appointed to plaintiffs' executive committee;
- *MC-K Sales, Inc. and Cantina 1134, LLC v. Discover Financial Services, Inc et al.*, 0:10-cv-2964; Northern District of Illinois;
- *McKinney et al v. HSBC Card Services, Inc. et al.*; Case No. 3:10-cv-00786; Southern District of Illinois;
- *In re: LifeLock, Inc., Marketing and Sales Practices Litigation*; 2:08-md- 01977, District of Arizona *Gerald Falke et al. v. LifeLock, Inc., et al.*; Case No. 21-C-08030505, Circuit Court for Washington County Maryland; *Kevin Gerhold, et al. v. LifeLock, Inc., et al.* Case No. 2:08-0857, Southern District of West Virginia; *Warren Pasternack, et al. v. LifeLock, Inc., et al.*; Case No. 08-cv-02098, District of New Jersey; *In re: LifeLock, Inc., Marketing and Sales Practices Litigation*; 2:08-md-01977, District of Arizona; *Robert Dillon, et al. v. LifeLock, Inc., et al.*; Case No. 2:08-cv-04515, Central District of California; *Vilma Martinez-Azoy, et al. v. LifeLock, Inc., et al.*; Case No. 1:08-cv-21989, Central District of Florida; *In re: LifeLock, Inc., Marketing and Sales Practices Litigation*; 2:08- md-01977, District of Arizona; and *Tommy Ly, et al. v. LifeLock, Inc., et al.*; Case No. 2:08-cv-00242, Central District of California; *In re: LifeLock, Inc., Marketing and Sales Practices Litigation*; 2:08-md-01977, Eastern District of Texas.

10. I was also appointed lead counsel in *Paige Cooperman et al. v. Galeos, LLC et al.*, SA-10-cv-1815 JVS, Central District of California, and to the executive committee in such high-profile cases as *In re: Bank of America Credit Protection Marketing & Sales Practices Litigation*, 3:11-md-02269-THE, Northern District of California and *Walker et al v. Discover Financial Services, Inc. et al.*; 1:10-cv-06994, Northern District of Illinois.

11. My historical hourly rate of **\$575** an hour has been approved by this Court in the following class actions:

- *Telliho et al v. East Windsor Township et al*; 3:12-cv-04800-PGS-LHG; District of New Jersey; and
- *Spector et al v. Cherry Hill Township et al*; 3:12-cv-05198-PGS-LHG; District of New Jersey.

12. In addition, my historical hourly rate of **\$600** an hour has been approved by courts in the following class actions:

- *Carole J. Cirucci v. Title America Agency Corp.*, Docket No. CAM-L-1316-14; Superior Court of New Jersey, Camden County, Hon. Anthony M. Pugliese, J.S.C.;
- *In re: Bank of America Credit Protection Marketing & Sales Practices Litigation* 3:11-md-02269-THE; Northern District of California; (appointed to plaintiffs' executive committee);
- *Walker et al v. Discover Financial Services, Inc. et al.*; 1:10-cv-06994; Northern District of Illinois;
- *Cantina 1134, LLC v. Discover Financial Services, Inc et al.*; 0:10-cv-61722; Southern District of California; and
- *McKinney et al v. HSBC Card Services, Inc. et al.*; Case No. 3:10-cv-00786; Southern District of Illinois.

13. Lastly, I have presented and/or lectured to attorneys on class action topics at the following Continuing Legal Education seminars:

- Lecturer, “Latest Developments in Class Action Litigation,” New Jersey State Bar Association’s 2015 Annual Meeting
- Lecturer, “Pending Consumer Legislation,” New Jersey Association for Justice Educational Foundation, Inc.’s 2016 Boardwalk Seminar, April 8, 2016
- Lecturer, “The Evolving Nature of Class Actions in New Jersey,” New Jersey State Bar Association’s 2016 Annual Meeting
- Lecturer, “Telephone Consumer Protection Act Basics,” New Jersey Association for Justice Educational Foundation, Inc.’s, 2017 Boardwalk Seminar, April 26, 2017
- Lecturer, “The Future of Class Actions in New Jersey,” New Jersey State Bar Association’s 2017 Annual Meeting
- Lecturer, “Legislative Update,” New Jersey Association for Justice Educational Foundation, Inc.’s, 2018 Boardwalk Seminar, May 10, 2018
- Lecturer, “Class Actions At The Crossroads,” New Jersey State Bar Association’s 2018 Annual Meeting

14. I received my Juris Doctor degree from Brooklyn Law School in 2002.

15. I am licensed to practice law in the States of New York and New Jersey and admitted to practice before the United States District Court for the Southern District of New York, for the Eastern District of New York, for the Northern District of New York, for the Western District of New York, for the District of New Jersey, for the Northern District of Illinois and for the District of Colorado.

I declare under penalty of perjury under the laws of the State of New Jersey that the foregoing is true and correct.

Dated: November 21, 2018

s/ Ross H. Schmierer
ROSS H. SCHMIERER, ESQ.